

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

In re: \*  
\* CASE NO. 19-11026-BFK  
CHANTHAVY RATTANA \*  
\*  
Debtor \* CHAPTER 13

**OBJECTION TO PROOF OF CLAIM 8-1  
OF RUSHMORE LOAN MANAGEMENT SERVICES**

COMES NOW, Chanthavy Rattana (the “Debtor”), by and through undersigned counsel, pursuant to Sections 502(a) and 502 (b)(1) of the Bankruptcy Code, Rules 3001 and 3007(a) of the Bankruptcy Rules, and objects to Proof of Claim 8-1 filed by Rushmore Loan Management Services (“Creditor”). In support of this Objection, the Debtor respectfully shows this Honorable Court the following:

1. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(B), and this Court has proper subject matter jurisdiction pursuant to 28 U.S.C. § 1334(b).
2. Creditor filed its Proof of Claim on or about August 14, 2019, with claim for \$7,534.12 secured by Debtor’s principal residence.

3. Creditor also included an alleged arrearage of \$798.24.

4. Undersigned counsel reviewed the payment history attached to the Proof of Claim and it fails to account for a payment that Debtor made on April 9, 2019. Proof of this payment is attached as **Exhibit A**.

5. Additionally, the payment history shows that a payment made on March 13, 2019 was applied towards the payment due for March 27, 2019.

6. The payment history then appears to assert that another payment of \$366.12 was due for March 27, 2019, despite the earlier March 13, 2019 payment.

7. Accordingly, it appears that the alleged \$798.24 arrearage is due to Creditor’s failure to a) include Debtor’s April 9, 2019 payment and b) properly credit Debtor’s March 13, 2019 payment.

WHEREFORE, the Debtor moves the Court for relief as follows:

- A. Disallowance of the \$798.24 arrearage portion of Creditor’s Proof of Claim;

B. Award Debtor's counsel reasonable legal fees in an amount to be determined by this Court; and

C. Such other and further relief as the Court may deem just and proper.

Respectfully submitted this 18<sup>th</sup> day of September 2019

**/s/ Jeremy C. Huang**

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#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18<sup>th</sup> day of September 2019, a copy of the foregoing Objection to Proof of Claim and Notice of Hearing were served via first class mail, postage prepaid, and/or the Court's Electronic Court Filing system upon the Chapter 13 Trustee and the following parties:

John J. Chappell, III  
Glasser and Glasser, P.L.C.  
580 E. Main St., Suite 600  
Norfolk, VA 23510  
*Attorney for the Creditor*

**/s/ Jeremy C. Huang**